

December 22, 2005

Mr. Fred Voshell 159 Princess Ann Avenue Viola, De 19979

RE: PLUS review – PLUS 2005-11-11; Canterbury Site

Dear Mr. Voshell:

Thank you for meeting with State agency planners on November 30, 2005 to discuss the proposed plans for the Canterbury site located east of Road 15 on the northeast corner of Canterbury Road and Irish Hill road.

According to the information received, you are seeking a rezoning from AR to BN for the purpose of developing an office building a deli on 0.7 acres. A comprehensive plan amendment will be required. We understand that it is Kent County's practice to process rezonings and the related comprehensive plan amendments concurrently. In accordance with Kent County's procedures, this PLUS review considered both the rezoning and any associated plan amendment needed to process the application.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

#### **Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.* 

## **State Strategies/Project Location**

This project is located in Investment Level 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the relevant County codes and ordinances. A comprehensive plan amendment is required.

# **Street Design and Transportation**

• While DelDOT does not believe a traffic impact study (TIS) is warranted for this rezoning, TIS for other, larger developments in this area, notably Knollwood and Woodfield, have found a need for a signal at the intersection of Canterbury Road and Irish Hill Road. Specifically, they found that a signal would be needed to maintain level of service D or better. DelDOT does not intend to require the developer of this property to participate in funding that signal. However, if this rezoning is approved, they recommend that the developer contact the Traffic Section to determine how much, if any right-of-way they might need from their property to install the signal.

The following are a complete list of comments received by State agencies:

#### Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. The rezoning of this parcel is at the discretion of Kent County Levy Court. Our office has no objections to the proposed rezoning and development of this project in accordance with the relevant County codes and ordinances. A comprehensive plan amendment is required.

#### Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

This parcel contains a historic house (K-2828), which appears to be the H. J. Anderson House on Beers Atlas of 1868. There may be archaeological remains associated with this house. Canterbury is a historic community and there are a number of surviving historic houses in it, including to the north of this parcel (K-1687, the B. P. Conner House, on Beers) and across Canterbury Rd. from it. The septic system will be located in a field behind the Conner House; we know of nothing in that field.

The owner's present plans are to demolish this building. There are federal, state, and local tax credits available for income-producing properties if they are listed in the National Register of Historic Places. I do not know if this particular building is eligible for listing; the owner should talk to Kent County's Preservation Planner and consider his options before deciding finally on demolition.

If the house will be demolished, we would like the opportunity to document it before any demolition activities take place. We would also like to see sufficient landscaping to protect the neighboring historic houses from the visual and noise intrusions of this development. We would appreciate the opportunity to check the yard for any archaeological remains prior to any ground-disturbing activities.

## **Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- Collector road and Irish Hill Road are classified as major collector roads. Collector road rights-of-way vary in Delaware but are typically wider than those of local roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- While DelDOT does not believe a traffic impact study (TIS) is warranted for this rezoning, TIS for other, larger developments in this area, notably Knollwood and Woodfield, have found a need for a signal at the intersection of Canterbury Road and Irish Hill Road. Specifically, they found that a signal would be needed to maintain level of service D or better. DelDOT does not intend to require the developer of this property to participate in funding that signal. However, if this rezoning is approved, they recommend that the developer contact the Traffic Section to determine how much, if any right-of-way they might need from their property to install the signal. DelDOT would expect any needed rights-of-way to be small, but because the subject land is a small parcel, the effect on it could be

- significant. An initial contact in our Traffic Section would be our Systems Design Manager, Ms. Teresa Gardner. She may be reached at (302) 659-2040.
- 3) The developer's site engineer should contact Mr. Brad Herb, DelDOT project manager for Kent County, regarding our specific requirements for access. He may be reached at (302) 266-9600.

# <u>The Department of Natural Resources and Environmental Control - Contact: Kevin Coyle 739-9071</u>

## **Water Supply**

The project information sheets state that an individual on-site well (permit #209986-W) will be used to provide water for the proposed project. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity (CPCN) number PSC -1190. Any questions concerning CPCNs should be directed to the Public Service Commission at 302-739-4247. This well permit #209986-W was issued for Domestic use and it currently meets the required isolation distances for its domestic uses. Based on the proposed use of this well, it will have to be re-classified to a Miscellaneous Public/Public use provided the isolation distances are met. The isolation distances for the proposed use is 150 feet from septic tanks, drain fields and other potential sources of contamination, which at this time does not meet. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

#### Wastewater

The Ground Water Discharges Section has review the proposed change of use from residential to commercial (office and deli) for the above mentioned property and has no objections provided that the following Regulations are met.

Section 5.07020 of <u>The Regulations Governing the Design</u>, <u>Installation and Operation of On-Site Wastewater and Treatment Systems</u> states, "No person shall place into service, change use of or increase the projected daily wastewater flow above the design standards into an existing systems without first obtaining an Authorization to Use an Existing System Permit or Alteration, Repair or Replacement Permit as Appropriate."

Therefore, the applicant must obtain an Authorization to Use an Existing System Permit from the Department of Natural Resources and Environmental Control (Department). The applicant should be advised that the property was issued an on-site wastewater treatment and disposal system permit #153377 in 1997 for a replacement system for three a bedroom dwelling at a design flow of 360 gallons per day. Therefore, the well isolation distance from the system is less than the 150 feet requirement for a public well, which would be required for an office and deli. It should be noted that the Department will be requiring that a grease trap be added to the system as per the Regulations Section 6.08010. The applicant must meet Section 7.00000 Siting Density and Hydrogeological Requirements. Please contact the Small Systems Branch at (302) 739-9947 for more information on the permit process.

## **Sediment and Erosion Control/Stormwater Management**

#### Requirements:

1. If land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

- 2. The following notes must appear on the record plan:
  - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
  - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
  - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
- 3. Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
- 4. All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded by Kent County.
- 5. Limited tree clearing must be considered by the designer.

## Comments:

1. At this time the District has no objection to the rezoning of the property.

#### **Drainage**

The Drainage Program requests the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests the engineer check downstream of the anticipated stormwater outlet for function and blockages.

This project is within the Murderkill River Watershed, a designated critical area, with a promulgated Total Maximum Daily Load (TMDL). The Drainage Program encourages the use of additional water quality measures on this project.

## **Underground Storage Tanks**

There is one inactive LUST site located near the proposed project:

Shore Stop #236, Facility # 1-000194, Project # K9002008

There is one active LUST site located near the proposed project:

Chambers Dodge, Facility # 1-000095, Project # K9405125

No environmental impact is expected from the above inactive/active LUST sites. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

## State Fire Marshal's Office - Contact: John Rossiter 302-739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office.

#### • The DE State Fire Marshal's Office has no objection to the re-zoning.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

# a. Fire Protection Water Requirements:

➤ Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

## b. Fire Protection Features:

- ➤ For commercial buildings greater than 5000 SqFt, a fire alarm signaling system which is monitored off-site is required
- ➤ For commercial buildings greater than 10,000 SqFt Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 SqFt. or less

➤ Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

## c. Accessibility:

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Canterbury and Irish Hill Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- ➤ The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- ➤ The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

# d. Gas Piping and System Information:

Provide type of fuel proposed, and show locations of bulk containers on plan.

# e. Required Notes:

- ➤ Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- ➤ Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- ➤ Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: <a href="www.delawarestatefiremarshal.com">www.delawarestatefiremarshal.com</a>, technical services link, plan review, applications or brochures.

## Department of Agriculture - Contact: Milton Melendez 698-4500

Neither the Delaware Department of Agriculture nor the Delaware Forest Service has any objections to the Voshell Property application. The site is located on a long-range designated controlled development area. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within a Growth Level 2 Zone. We request that you consider limiting impervious cover as much as possible when designing this site. This site is a part of a "good recharge" area. The State of Delaware has mapped all ground water potential recharge areas. A "good" rating is the second highest rating and designates an area as having important groundwater recharge qualities. Maintaining pervious cover in "Excellent" and "Good" recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as "excellent" and "good" recharge areas adversely impacts the future prospects for agriculture in Delaware.

## Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

#### Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent landuse activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive

PLUS 2005-11-11 Page 10 of 10

to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Tree Mitigation

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

# Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP

Director

CC: Kent County